

Attorney Heather H. Kruthers (for Public Guardian, Conservator of the Estate)

Petition for Authorization and Instruction as to Management of
Conservatee's Estate Assets (Authority to Invest Funds)

		PUBLIC GUARDIAN , Successor Conservator of the Estate appointed on 7/5/1995, is Petitioner. <p style="text-align: center;">~Please Petition for details~</p> Declaration of Deputy Public Guardian Clint Yarbrough Regarding Investment of Assets filed 6/1/2016.	NEEDS/PROBLEMS/COMMENTS: Continued from 6/2/2016. <i>Minute Order</i> states continued for review of the late-filed information. Note for reference: Probate Code § 2570(d) for authorization of investments provides the court may require such proof of fairness and feasibility of <i>[the investment]</i> as the court determines is necessary. Probate Code § 2574 provides the conservator, without authorization of court, may invest funds of the estate <i>[in enumerated types of investments, which appear to describe the proposed investment for Conservatee]</i> ; 2574(b) provides that in making the investments, the conservator shall take into consideration the circumstances of the estate, indicated cash needs, and, if reasonably ascertainable, the date of the prospective termination of the conservatorship. The <i>Order Settling Sixteenth Account</i> of the Conservatorship filed 2/1/2016 shows a balance of cash of \$226,946.09 .	
Cont. from 042116, 060216				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: LEG	
			Reviewed on: 6/13/16	
			Updates:	
			Recommendation:	
			File 1- Hernandez	

DOD: 4-3-99		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>First/Final Acct filed 6/9/16 is set for 7/21/16</p>
Cont. from 010314, 40414, 101014, 070915, 111915, 031716		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6/13/16
		Updates:
		Recommendation:
		File 2 – Martinez

3 Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Reyna Cedano, Victoria Cedano, Jonah Cedano (GUARD/P)
Case No. 11CEPR00795

Petitioner: Jennifer Cedano (pro per)

Petition for Visitation

		JENNIFER CEDANO , mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		RAUL PALLARES, JR. paternal cousin, was appointed as guardian of Noah and Gabriel on 11/16/11	This petition is as to NOAH and GABRIEL only.
Cont. from 040716			Continued from 4/7/16. Minute order states examiner notes handed in open court; continued for proper service as to the guardian and the minors. As of 6/10/16 the following issues remain:
<input type="checkbox"/>	Aff.Sub.Wit.	Please see petition for details.	
<input checked="" type="checkbox"/>	Verified		<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need Proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Raul Pallares, JR. (guardian) b. Noah Cedano (minor) c. Gabriel Cedano (minor)
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 6/14/16
			Updates:
			Recommendation:
			File 3- Cedano

Probate Status Hearing Re: Receipt of Distribution

DOD: 2/22/2014			<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p><i>Receipt on Distribution filed 6/6/2016.</i></p>	
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				<p>Reviewed by: LEG</p> <p>Reviewed on: 6/14/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4- Johansen</p>

Attorney
Attorney

Salazar, Steven F. (for Trustee Steven R. Thomas, II)
Bagdasarian, Gary G. (for former Co-Trustee Kristy Helm Thomas)

Petition for Settlement of First and Final Account, Approval of Trustee Acts and Distribution of Trust Assets and Attorneys' Fees and Costs

DOD: 1/19/12		STEVEN R. THOMAS, II , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 11/1/12 – 2/29/16 Accounting: \$178,342.19 Beginning POH: \$169,217.03 Ending POH: \$107,054.01	<u>Minute Order 5/9/16:</u> The Court indicates that it will not require a special needs trust and that the submitted order should say that the acts are not approved or ratified; continued for direct notice to the minors.
Cont. from 050916			
<input type="checkbox"/>	Aff.Sub.Wit.	Petitioner states Pursuant to Order Approving Settlement Agreement entered 6/25/13, the following parties are entitled to receive a one-eighth share of the trust estate: <ul style="list-style-type: none"> • Steven R. Thomas, II • Kristi Helm-Thomas • Kelby Renee Helm (a minor) • Michael Garrett Davis (a minor) • Steven Ernest Helm, III (a minor) • Steven Rex Thomas (a minor) • Jackson Alan Thomas (a minor) • Alexis Leigh Thomas (a minor) 	<u>Note:</u> All notice and other issues noted have been removed. Proposed order contains language that Petitioner's acts/transactions are not approved.
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Preliminary distributions: Pursuant to the settlement agreement, preliminary distributions were made as follows: <ul style="list-style-type: none"> • Kristi Helm-Thomas: \$4,000.00 • Steven R. Thomas II: \$4,816.95 (reimburse for funeral expenses) 	<u>Note:</u> The Court will set a status hearing for <u>Thursday, July 28, 2016</u> for the filing of the receipts for blocked accounts.
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Property Disbursed: During administration, Kristi Helm-Thomas and Steven Thomas, II disbursed to themselves or on their behalf and/or retained in their possession certain personal property, which is to be allocated towards their distributive shares as set forth in the petition. (List includes certain inventoried assets, reimbursement for expenses, etc.)	Reviewed by: skc
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		Reviewed on: 6/13/16
<input type="checkbox"/>	Aff.Pub.		Updates:
<input type="checkbox"/>	Sp.Ntc.		Recommendation:
<input type="checkbox"/>	Pers.Serv.		File 5- Thomas
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

SEE ADDITIONAL PAGES

Page 2

Attorney Salazar: \$10,774.50 (\$10,000.00 plus \$774.50 in costs)

Declaration filed 3/28/16 provides itemization of 82.65 hours @ \$250/hr, totaling \$20,662.50 for services from 1/25/12 to 3/13/16 as attorney for Trustee Steven R. Thomas, II; however, attorney is willing to accept \$10,000, plus \$774.50 in costs.

Attorney Bagdasarian: \$9,563.00 (\$9,362.00 plus \$201 in costs)

Declaration filed 2/16/16 provides itemization of 51.1 hours and separately 23.8 hours @ \$250/hr for services from 2/6/12 through 6/27/13 as attorney for Kristy Helm-Thomas, former Co-Trustee.

Attorney Helon: \$5,535.00 (\$5,100.00 plus \$435 in costs)

Itemization at Exhibit D reflects total fees incurred of \$10,207.65 as GAL for certain minor beneficiaries; however, attorney is willing to accept \$5,100, plus \$435 in costs.

Closing: \$1,500.00**Proposed Distribution:**

- Steven R. Thomas II: \$3,507.81 (\$12,389.89 less advance/retained assets of \$8,882.08)
- Kristi Helm-Thomas: \$1,834.42 (\$12,389.89 less advance/retained assets of \$10,555.47)
- Kelby Renee Helm (minor): \$12,389.88, to be placed into a blocked account
- Steven Ernest Helm, III (minor): \$12,389.88, to be placed into a blocked account
- Michael Garrett Davis (minor): \$12,389.88, to be placed into a blocked account
- Steven Rex Thomas (minor): \$12,389.88, to be placed into a blocked account
- Jackson Alan Thomas (minor): \$12,389.88, to be placed into a blocked account
- Alexis Leigh Thomas (minor): \$12,389.88, to be placed into a blocked account

Pursuant to the Settlement Agreement, and to avoid the expenses of guardianship of the estate, Petitioner requests that the shares of minor beneficiaries be deposited into blocked accounts at EECU subject to withdrawal upon majority. See Amendment filed 5/12/16 for details.

Note: The proposed orders provide for distribution to blocked accounts for the minor beneficiaries, payable when each minor reaches majority, pursuant to the settlement agreement.

SEE ADDITIONAL PAGES

Petitioner requests an Order:

1. Finding that all facts stated in the Petition are true and correct and that all notices required by law have been duly given;
2. Finding that the Court has received full disclosure regarding the relationship between Marvin T. Helon, Guardian ad Litem, and Steven E. Helm, III, Steven Rex Thomas, Jackson A. Thomas, and Alexis L. Thomas, minors, and with regard to all matters related to the petition there is no conflict of interest; such Guardian ad Litem has adequately represented the minors as to all matters regarding the Petition; and general family benefits will accrue to the living members if (sic) the family of the minors upon the grating of the Order.
3. That this account and report be settled, allowed and approved, and all acts and transactions of Petitioner relating to matters set forth therein be ratified, confirmed and approved;
4. That the property of the trust estate be distributed as set forth therein;
5. That Attorney Steven F. Salazar for Petitioner/Trustee Steven R. Thomas II be allowed compensation for his services and costs of \$10,774.50;
6. That Attorney Gary D. Bagdasarian for former Co-Trustee Kristy Helm-Thomas be allowed compensation for his services and costs of \$9,563.00;
7. That Attorney Marvin T. Helon, Guardian ad Litem for minors Steven E. Helm, III, Steven Rex Thomas, Jackson Alan Thomas, and Alexis Leigh Thomas, be allowed compensation for his service and costs of \$5,535.00;
8. That the sum of \$12,389.88 to each of the minors, namely, Kelby Renee Helm, Michael Garrett Davis, Steven E. Helm III, Steven Rex Thomas, Jackson Alan Thomas, and Alexis Leigh Thomas, representing each's one-eighth (1/8) share of the trust estate be deposited separately in the name of said minor in an interest-bearing account at EECU in Fresno. No part of the money so deposited shall be withdrawn except on order of the Court until said minor reaches majority, after which all money shall be paid to the minor without further order of the Court;
9. That Petitioner be allowed to withhold \$1,500 from distribution for purposes of paying closing costs of Administration and as a reserve for liabilities of the Trust, with any unexpended portion to be distributed to the beneficiaries in fractional interests without further order of the Court;
10. Terminating the trust and discharging petitioner from his duties and responsibilities as trustee upon acknowledgment of receipt by beneficiaries or on their behalf; and
11. Such other and further orders be made as this Court may deem proper under the circumstances.

Second Account and Report of Trustee of Jennifer Roberts Special Needs Trust; Petition to Settle Account; and for Allowance of Fees to Attorney

			CHRISTINA ROBERTS , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need clarification: Why is the trust being charged an extra \$7.50 bank fee for each court-ordered withdrawal beginning in 2014? 2. On 6/17/15, the Court authorized the beneficiary's share of her father's estate to be distributed to the special needs trust. The Order for Final Distribution entered 7/8/15 in 12CEPR00290 Estate of Michael Roberts authorized distribution of cash and a one-half interest in real property to the beneficiary. This accounting does not reflect receipt of such distribution. Need clarification. Note: If granted, the Court will set a status hearing for the filing of the Third Account as follows: • Thursday, March 1, 2018
			Account period: 11/6/13 – 12/31/15 Accounting: \$233,535.25 Beginning POH: \$233,535.25 Ending POH: \$217,083.52 (cash held in blocked account)	
	Aff.Sub.Wit.		Trustee waives compensation.	
✓	Verified		Attorney: \$3,000.00 (for 12.7 hours @ \$275/hr, less discount, per declaration and itemization at Exhibit B)	
	Inventory		Costs: \$665.50 (filing, certification, per Exhibit C)	
	PTC		Attorney: \$1,661.00 (for legal services associated with the establishment of a conservatorship of the person for the beneficiary, 4.9 hours @ \$275/hr, less discount, plus costs of filing, certification, per declaration and itemization at Exhibit D.)	
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	2620			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Petitioner prays for an order: 1. Finding notice of hearing given as required by law; 2. Approving, allowing, and settling the account and report as filed; 3. Authorizing payment of attorney fees related to the Special Needs Trust; 4. Authorizing payment of attorney costs related to the Special Needs Trust; 5. Authorizing payment of attorney fees and costs associated with the conservatorship matter; and 6. For such other relief as the Court deems proper.	
				Reviewed by: skc Reviewed on: 6/14/16 Updates: Recommendation: File 6- Roberts

Probate Status Hearing RE: Visitation

		<p>EVONIESHA SMITH, mother, petitioned the court to terminate the guardianship. Minute order dated 12/3/16 denied the petition for termination. This status hearing was set re: visitation.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
		<p>ADRIANA BREWER, non-relative, was appointed guardian on 9/11/14. – present in court on 4/23/15.</p>	<p>Continued from 12/3/16. Minute order states the Court orders the visitation for Evoniesha Smith be increased and should include holiday time. The Court feels that every weekend would be appropriate, and Ms. Smith initially indicates that every weekend in difficult as she lives in Los Angeles, but later agrees. Parties state they are able to mutually agree as to the increased time. Each party is to keep track separately of the time spent in visitation. The Court orders that the Court Investigator is to re-interview the parties in May and provide the court an update for the 6/16/16 hearing.</p>
Cont. from 082015, 120315		<p>Minute order dated 4/23/15 states the Court states its intent to give Ms. Smith the opportunity to establish more regular and frequent visitation. The Court orders visitation for Ms. Smith on the first weekend of the month, from Friday at 1 p.m. thru Sunday at 1 p.m. Ms. Smith is to pick the minor up at Adriana Brewer's home, and Ms. Brewer is to pick the minor up from Ms. Smith's home. Parties may mutually agree to an alternative weekend and are admonished to obey these orders.</p>	
Aff.Sub.Wit.			
Verified		<p>Declaration of Evoniesha Smith filed on 7/31/15 states she has done all her visits with her daughter like the judge order her to. She has attached proof of the visits and pictures of Kylie with her brother, sisters and mother.</p>	
Inventory			
PTC		<p>Minute order dated 8/20/15 states the Court orders visitation increased to every other weekend, beginning 8/25/15, from Friday at 2 p.m. thru Sunday at 2 p.m. Parties are to meet in Bakersfield a the bus depot to exchange the minor.</p>	
Not.Cred.			
Notice of Hrg		<p>Court Investigator Samantha Henson's Report filed on 6/14/16</p>	
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 12/20/13	JOANN DIREDO was appointed Executor with Full IAEA without bond on 7/10/14.	NEEDS/PROBLEMS/COMMENTS:
Cont'd from 091015, 010716	At the hearing on 7/10/14, the Court set this status hearing re the filing of the first account or petition for final distribution.	<u>Minute Order 1/7/16:</u> Counsel represents there is no cash in the estate and the sale has been cancelled; requests 4 months due to impending litigation.
Aff.Sub.Wit.	Note: Final I&A filed 5/29/15 reflects a total estate value of \$2,550,000 consisting of various real property interests.	Status Report filed 6/14/16 states on due to unforeseen circumstances, the buyers backed out of the sale and escrow fell through. \$5,000 remains on deposit with the title company and there is a dispute as to who gets that amount. A new listing agreement was signed and the property is still on the market. No further offers have come in. All expenses are being paid by the executor, and she is currently exploring options to pay fees and costs. Attorney Fanucchi therefore requests continuance of at least three months to resolve the issues stated above.
Verified		
Inventory		
PTC		
Not.Cred.	Status report filed 9/9/15 states in response to a rejected creditor's claim, David Allen DiRedo filed a Complaint for Breach of Contract Money Had and Received Declaratory Relief on 3/30/15 against the estate. The case is currently in litigation. (Note: See claim filed 8/19/14 for \$106,846.46) In addition, escrow has just been opened on the real property located on West Shaw. Therefore, the estate is not in a condition to be closed. Attorney Fanucchi requests continuation for at least four months to complete the sale and continue with the litigation pending against the estate.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt	Status Report filed 12/8/15 states the complaint filed by David Allen DiRedo in 15CECG01036 is currently in the process of litigation. Regarding the property: Escrow was scheduled to close on 11/30/15; however, due to unforeseen circumstances, escrow was put on hold and the sale is now in jeopardy. The property was taken off the market back in September when the offer was originally accepted and therefore, due to failure of the escrow to close, a new listing and re-marketing has begun.	1. Need first account or petition for final distribution.
CI Report		Reviewed by: skc
9202		Reviewed on: 6/13/16
Order		Updates: 6/14/16
Aff. Posting		Recommendation:
Status Rpt		File 8- DiRedo
UCCJEA		
Citation		
FTB Notice	Currently the estate is not in a condition to be closed due to the pending lawsuit and the pending sale of the real property. Therefore, it is requested that this status hearing be continued for no less than 4 months to complete the sale and continue the litigation.	

DOD: 10/20/1999	ROBERT BRUCE STEVER , was appointed as Administrator with full IAEA authority, without bond on 08/14/2014.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 08/15/2014.	
	Final Inventory and Appraisal filed 09/04/2014 shows an estate valued at \$125,000.00.	OFF CALENDAR. <u>Petition for First Account filed 05/31/2016.</u> <u>Hearing is set for 07/07/2016.</u>
Cont. from 101515, 012116	Minute Order of 08/14/2014 set this status hearing for the filing of the First Account and/or Final Distribution.	
Aff.Sub.Wit.	<p>Status Report filed 01/07/2016 states the estate cannot be distributed and closed at this time because the estate does not have sufficient cash and it is the wish of all heirs to sell the property before distributing the estate. It is still the desire of the Petitioner and both of the heirs to sell the real property before distributing the estate, one-third of which will be distributed to the decedent's husband's estate filed under case no. 14CEPR00594. The heirs do not wish to co-own real property. Petitioner has been unable to sell the real property but has repeatedly reduced the price according to the advice of the realtor. Petitioner listed the real property for sale with a broker in March of 2015, for \$428,795 and has reduced the price four times. On approximately January 4, 2016, the price was reduced to \$305,000.00. Petitioner is optimistic that this price reduction will result in an offer. Finally, there is no cash in this estate or the Estate of Robert Stever, sufficient to pay reimbursement to Petitioner for his out-of-pocket expenses paid on behalf of both estates or statutory costs of administration, including the attorney's advanced costs. Petitioner has expended a substantial sum out of his personal funds to have a well drilled on real property in the Estate of Robert Stever for which there is no cash in the estate to reimburse him. The sale of this real property will enable petitioner to proceed with enough cash to pay costs of administration in both estates. Petitioner requests that the Court set another status hearing out at least 120 days.</p>	<p>1. Need First Account or Petition for Final Distribution.</p>
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

DOD: 03/04/2014	ROBERT BRUCE STEVER , was appointed as Administrator with full IAEA authority, without bond on 08/14/2014.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 08/15/2014.	
	Final Inventory and Appraisal filed 09/10/2014 shows an estate valued at \$508,000.	<u>OFF CALENDAR.</u> <u>Petition for First Account</u> <u>filed 05/31/2016.</u> <u>Hearing is set for</u> <u>07/07/2016.</u>
Cont. from 101515, 012116	Status Report filed 01/07/2016 states the estate cannot be distributed and closed at this time because the estate is to receive distribution from the estate of the Decedent's predeceased spouse, Margaret Stever, which has been filed under case no. 14CEPR00593, heard concurrently with this Report. It is further the desire of the Petitioner and both of the heirs that the Dockery real property be sold during the Probate administration. The heirs do not wish to co-own real property. Based on the information and belief, the deed of trust issue raised in the prior status report filed in this matter will be resolved during escrow proceedings upon the sale of the Dockery property. Further, the existing well on the Dockery property went dry and it was necessary to dig a new well, which is now complete. The real property needs to be sold to pay the costs of the new well and the costs of administration. Petitioner requests that the Court set another status hearing out at least 120 days.	
Aff.Sub.Wit.		2. Need First Account or Petition for Final Distribution.
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		Reviewed by: LV
9202		Reviewed on: 06/14/2016
Order		Updates:
Aff. Posting		Recommendation:
Status Rpt		File 10 – Stever
UCCJEA		
Citation		
FTB Notice		

Probate Status Hearing RE: First or Final Account

DOD: 01/23/2015	WANDA JONES was appointed executor with full IAEA without bond on 4/16/2016.		NEEDS/PROBLEMS/COMMENTS:
			1. Need first account, petition for final distribution or current written status report pursuant to Local Rule 7.5, which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the status report shall be served on all necessary parties.
Cont. from	<i>Letters issued 5/4/2015.</i>		
Aff.Sub.Wit.		I&A filed on 6/5/2015 shows the estate valued at \$200,000.00 (real property).	
Verified			
Inventory			
PTC			
Not.Cred.		Minute order dated 4/16/2015 set this status hearing for filing the first or final account.	
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	x		Reviewed by: SEF
UCCJEA			Reviewed on: 6/13/2016
Citation			Updates:
FTB Notice			Recommendation:
			File 12- Dobson

13 Michael Daniel Lutz (Estate) Case No. 15CEPR00667**Attorney Rindlisbacher, Curtis D. (for John F. Lutz – Executor)****Probate Status Hearing RE: Filing of the Inventory and Appraisal**

DOD: 4/18/15	JOHN F. LUTZ , Brother, was appointed Executor with Full IAEA without bond on 08/13/2015.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 04/07/2016: Counsel represents that the inventory is completed; requests 60 days for appraisal of several properties. No appearance is necessary at the status hearing if the Inventory and Appraisal is filed a least two Court days prior.
	Letters issued on 8/13/15.	
Cont. from 040716	Minute Order 02/11/2016 set this Status Hearing for filing of the Inventory and Appraisal.	1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Aff.Sub.Wit.	Minute Order 02/11/2016 states the Order to Show Cause is vacated. No appearance is necessary at the status hearing if the Inventory and Appraisal is filed at least two court days prior.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 06/14/2016
		Updates:
		Recommendation:
		File 13- Lutz

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 7/30/2015		DAVID FIGUEROA , nephew, was appointed Executor with full IAEA authority without bond on 12/17/2015. <i>Letters issued 12/17/2015.</i> Minute order dated 12/17/2015 set this status hearing for the filing of the inventory and appraisal. Partial no. 1 inventory and appraisal was filed 2/22/2016 - \$200,000.00. Status report filed 5/9/2016 states the Partial no. 1 inventory and appraisal filed 2/22/2016 represents the final inventory of the assets of the estate. Minute order dated 5/12/2016 states counsel is admonished that his client must sign the I&A. No appearance is necessary on 6/16/2016 if the signed I&A ([status report]) is filed at least two court days prior.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Verified status report signed by fiduciary filed 6/6/2016, states Partial no. 1 I&A filed 2/22/2016 represents the complete and final I&A.
Cont. from 051216			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input checked="" type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: SEF Reviewed on: 6/13/2016 Updates: Recommendation: File 14- Reyes	

Attorney Susan K. Arthur (for Petitioner Florencio Levario)

Petition to Determine Succession to Real Property and Personal Property

DOD: 12/29/2015	FLORENCIO LEVARIO , brother, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD.		Continued from 5/9/2016 per request of counsel.
Cont. from 050916			Note: Amended Attachment 14 filed 6/10/2016 lists the name and date of death of Decedent's spouse as LUPE LEVARIO deceased on <u>9/11/1998</u> , while the Declaration of Clerical Error filed 6/10/2016 lists the date of death of sister-in-law LOLA OROSCO also as <u>9/11/1998</u> . However, the Petition contains a hand-written date of death of <u>6/29/1977</u> , apparently for Decedent's spouse, LUPE LEVARIO . Court may require confirmation of the dates of death of these two persons.
<input type="checkbox"/> Aff.Sub.Wit.	S/ P	No other proceedings.	
<input checked="" type="checkbox"/> Verified			
<input checked="" type="checkbox"/> Inventory			
<input type="checkbox"/> PTC		I & A - \$117,500.00	
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg		Will dated 2/7/1991 devises the residue of the estate to the Petitioner.	
<input checked="" type="checkbox"/> Aff.Mail	W/		
<input type="checkbox"/> Aff.Pub.		Petitioner requests Court determination that Decedent's 100% interest in real property located at 1401 Hoag Street, Sanger, and Decedent's 100% interest in personal property, passes to the Petitioner pursuant to Decedent's Will.	
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LEG
			Reviewed on: 6/13/16
			Updates:
			Recommendation:
			File 15- Levario

Attorney: Zepure "Zeppy" Attashian (for Petitioner, Michelle Ryan)

Attorney: Leigh W. Burnside (for proposed conservatee Renata Swanson)

Petition for Appointment of Probate Conservator of the Person and Estate

		MICHELLE RYAN , daughter, is petitioner and requests appointment as conservator of the person and estate	NEEDS/PROBLEMS/COMMENTS:
Cont. from 051916		Please see petition for details.	Court Investigator Advised Rights on 6/7/16. 1. Need Citation 2. Need proof of personal service of the Citation along with a copy of the petition on Renata Lina Swanson. 3. Notice of Hearing on all relatives within the 2 nd degree was not sent with a copy of the petition as required. 4. Petition requests 2690 powers without listing which powers are being requested and why. Local Rule 7.15/2. 5. Petitioner is requesting no bond or reduced bond. Petitioner states she does not have the financial means to obtain a bond as required by Probate Code §2320 or C.R.C. 7.207(c). if bond is required it should be set at \$2,272,800.00. 6. Order is incomplete. Need new completed order. Please see additional page
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/O	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input checked="" type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation	X	
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 6/14/16
			Updates:
			Recommendation:
			File 16- Swanson

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, July 27, 2016** at 9:00 a.m. in Department 303, for the filing of the bond, if required.
- **Wednesday, October 26, 2016** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, August 23, 2017** at 9:00 a.m. in Department 303, for the filing of the first account. \

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Probate Status Hearing Re: Proof of Bond

DOD: 12/29/2010	ROGELIO TAPIA , son, was appointed administrator with full IAEA with \$80,000.00 bond on 5/12/2016.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Bond of \$80,000 filed 5/12/2016.	
Aff.Sub.Wit.	Letters issued 5/23/2016.	
Verified		
Inventory	Minute order dated 5/12/2016 set this status hearing re: proof of bond.	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: SEF
Status Rpt		Reviewed on: 6/13/2016
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 17- Tapia

Petitioner: Silvia Carillo Espinoza (Pro per – Maternal grandmother)

Petitioner: Jose Luis Martinez Maravilla (Pro per – Maternal step-grandfather)

Petition for Appointment of Guardian of the Person

		<u>TEMPORARY EXPIRES 6/16/16</u>	NEEDS/PROBLEMS/COMMENTS: 1. Item 10 of petition requests to excuse notice to Rembernto Pino (maternal grandfather). Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with copy of petition <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence for: a. Rembernto Pino (maternal grandfather) – unless court dispenses with notice.
		SILVIA CARILLO ESPINOZA and JOSE LUIS MARTINEZ MARAVILLA , maternal grandmother and maternal step-grandfather, are petitioners Court Investigator report filed 6/9/2016. <i>See petition for details.</i>	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 6/14/2016
			Updates:
			Recommendation:
			File 18- Pino

Petition for Appointment of Probate Conservator of the Person

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: Court Investigator advised rights on 6/1/16 Voting rights affected – need minute order.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 6/14/16	
			Updates:	
			Recommendation:	
			File 19- Kim	

Petition to Determine Succession to Real Property

DOD: 11/16/07			PATRICK W. ENRICO , Trustee of the John D. Enrico 1989 Living Trust, is Petitioner. 40 Days since DOD No other proceedings I&A: \$142,500.00 (a 50% separate property interest in certain real property in Firebaugh) Will dated 12/28/93 devises residue of estate to the Trustee of the John D. Enrico 1989 Living Trust. Petitioner requests Court determination that the decedent's 50% separate property interest in certain real property in Firebaugh passes to him as Trustee of the John D. Enrico 1989 Living Trust pursuant to the decedent's will.	NEEDS/PROBLEMS/COMMENTS:
	Aff.Sub.Wit.	S/P		
✓	Verified			
✓	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: skc
Reviewed on: 6/14/16
Updates:
Recommendation: SUBMITTED
File 20- Enrico

Petitioner

Brown, Bobbiette (Pro Per – Daughter – Petitioner)

Petition for Appointment of Probate Conservator of the Person

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need continuance for advisement of rights and investigation per Probate Code §§ 1823, 1826. 2. Need video receipt per Local Rule 7.15.8.A.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt	X		
	CI Report	X		
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 6/14/16	
			Updates:	
			Recommendation:	
			File 21- Brown	

Attorney Robirda M. Lyon (for Petitioners Phyllis Taylor and Barbara Ester, daughters)

Petition to Determine Succession to Real Property

DOD: 11/18/1991		PHYLLIS TAYLOR and BARBARA ESTER, daughters, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		40 days since DOD.	
	Aff.Sub.Wit.		
✓	Verified	No other proceedings.	
✓	Inventory		
	PTC		
	Not.Cred.	I & A - \$35,000.00	
	Notice of Hrg	N/A	
	Aff.Mail	Decedent died intestate.	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	Petitioners request Court determination	
	Conf. Screen	that Decedent's 100% interest in real	
	Letters	property located at 657 W. Parlier, Reedley,	
	Duties/Supp	passes to the Petitioners at 50% to each	
	Objections	pursuant to intestate succession.	
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 6/14/16
			Updates:
			Recommendation:
			File 22- Bailey

Petition to Determine Succession to Real Property

DOD: 7/7/2009	MARGARET ANN BAKER , daughter, is petitioner	NEEDS/PROBLEMS/COMMENTS: 1. Item 9a(1) of petition lists a deceased spouse. Need date of death of deceased spouse, pursuant to Local Rule 7.1.1D. 2. Need original will to be deposited, pursuant to Probate Code 8200.
	40 days since DOD	
	No other proceedings	
Cont. from	I&A - \$135,000.00	
<input type="checkbox"/> Aff.Sub.Wit.	Will dated 8/25/1997 devises all of decedent's estate to Margaret Ann Baker.	
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Petitioner requests Court determination that decedent's 100% interest in real property located at 37784 Sharewood Lane, Squaw Valley CA (including a mobile home), pass to her in its entirety, pursuant to decedent's will.	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: SEF
		Reviewed on: 6/14/2016
		Updates:
		Recommendation:
		File 23- Woodward

Petition for Relief From Breach of Trust

DOD: 1/17/14		RUTH JACOBSEN , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: Page B is the First and Final Account filed 5/11/16 by Josephine M. Kirk, Trustee. 1. Debra Lee Scheidt, granddaughter, is named as second successor trustee and is therefore entitled to notice pursuant to Probate Code §17203. Need continuance for proper notice to Ms. Scheidt or waiver. 2. Josephine M. Kirk was served "c/o" attorney Ruth Lind. Need direct notice to Ms. Kirk pursuant to Probate Code §1214 and Cal. Rule of Court 7.51. 3. Need order. Local Rule 7.1.1.F. Reviewed by: skc Reviewed on: 6/14/16 Updates: Recommendation: File 24A- Biglione
		<p>Petitioner states JOSEPHINE M. KIRK (Jo) is successor trustee and is in breach of fiduciary duties of loyalty, to exercise proper care and skill, to keep beneficiaries informed, to follow trust's instructions, and to account.</p> <p>Rudy A. Biglione (Ms. Biglione or Mother) had four children: Ruth Jacobsen, Josephine M. Kirk (Jo), Joyce A. Brenden, and Christian M. Petersen (Chris). Starting in approx. 1998, Jo resided with Ms. Biglione in her residence in Clovis. Family members agreed that it would be a good thing for Jo and their mother to reside together. Ms. Biglione was in good health at the time and required no assistance until much later. Jo provided the assistance she gradually came to need.</p> <p>The trust provided a distribution plan for after Ms. Biglione's death to her children, including that the trustee may defer distribution of the trust for a period not exceeding six months after the settlor's death, and gave Jo an option to purchase the residence at the date of death value, to be exercised no later than two months after the settlor's death. The trust also required the trustee to account at least annually, at termination, and on change of trustees.</p> <p>Ms. Biglione passed away 1/17/14. Petitioner states she requested a copy of the trust from Jo when she was in Clovis for the funeral. Jo refused to provide it at that time, claiming it was too emotional. Ruth contacted Jo every few months to renew her request. Jo consistently refused to provide a copy of the trust for a year, claiming the documents were too long, that it was too much trouble to copy, she did not have to provide them and was not going to do so, and hung up the phone. Jo continued to reside in the residence as though it was her right and refused to discuss the matter.</p>	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

SEE ADDITIONAL PAGES

Page 2

Petitioner states in January 2015, Ruth called the attorney who had drafted Ms. Biglione's estate plan to request copies for herself and Chris. Attorney Ruth P. Lind was not aware that Ms. Biglione had passed away. She asked Ruth to provide the request in writing; however, it got lost in the mail. When Ruth called again to explain the delay, Ms. Lind stated, "I cannot talk to you" and hung up on her. Ruth mailed the written request again.

Ruth then hired her own attorney, who also wrote and requested a copy of Ms. Biglione's estate plan, and explained that Ruth and Christ did not object to Jo buying out their interests in their mother's house, but that it was not appropriate for Jo to have remained there for more than a year without paying rent.

In February 2015, Jo informed Ruth that she intended to exercise the option to purchase the residence.

In April 2015, Jo finally provided information regarding the trust assets at Ms. Biglione's death and confirmed her intent to purchase the residence, and that Joyce would participate in the purchase.

However, she did not obtain a date of death value for the residence to set the purchase price. Instead, she obtained an estimate from a realtor and proposed that number, \$202,000, as the purchase price.

Jo also claimed she was entitled to reimbursement for \$47,520 in lost wages plus an unspecified amount of retirement she would have earned, plus \$166,400 for 16 years of caring for their mother since 1998. Petitioner incurred attorney's fees addressing these claims by Jo, which were not authorized by the trust.

Joyce had moved into the residence with Jo in spring or summer of 2014. Escrow was to close in late September; however, Joyce backed out of the deal, and without her participation, Jo could not obtain the loan. On 9/3/15, Jo allegedly served notice of her intention to sell the residence on the trust beneficiaries; however, notice was not received by Jo or Chris until after it was on the market. Jo did not consult with the other beneficiaries about the listing price and did not keep them informed of the escrow or sale. Ruth incurred additional attorney fees trying to obtain information about it, and only learned the sale had closed on 10/8/15 from public records.

Petitioner states Jo listed the house for sale at \$202,000. The residence received multiple offers and sold over the asking price. Ruth believes it was listed below market value and the trust lost income it would otherwise have received had it been priced properly.

Petitioner states she requested an account and plan for distribution on 10/20/15 and again on 11/9/15. On 11/20/15, Jo provided what purported to be a full account for the period 1/17/14 through 11/13/15; however, it contained inaccuracies and omissions. See petition for details. On 12/1/15, Ruth objected to the incomplete account and requested additional information.

SEE ADDITIONAL PAGES

Petitioner states Jo responded in March 2016 and provided her attorney's time records to support request for reimbursement of fees paid or services allegedly performed related to trust administration tasks only. However, the records appeared to include substantial time assisting Jo in her individual capacity associated with Jo's efforts to purchase the house and obtain reimbursement for items not authorized by the trust. Otherwise the account was not amended or revised in any way.

As a proximate result of Jo's breach of fiduciary duties, Ruth has incurred substantial attorney's fees, and distribution has been delayed nearly two years beyond what is permitted by the terms of the trust.

Petitioner requests that:

- 1. Jo be compelled to redress her breach of her fiduciary duties by payment of money damages according to proof, including interest as appropriate;**
- 2. Jo be removed from office;**
- 3. The Court order that Jo not receive compensation from the trust for her administration;**
- 4. The Court order that Jo be reimbursed only for those attorney's fees incurred for proper trust administration tasks and not for services associated with her own personal interest in pursuing purchase of the residence; and**
- 5. Such other and further orders as the Court deems proper.**

Attorney Lind, Ruth P. (for Petitioner Josephine M. Kirk)
Attorney Amador, Catherine A. (for Objector Ruth Jacobsen)

First and Final Account, Petition for Settlement of Account and Approval of Trustee and Attorney Fees and for Distribution

DOD: 1/17/14		JOSEPHONE M. KIRK , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>SEE ADDITIONAL PAGES</u>
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Petitioner states this petition is reasonably necessary for the protection of the interest of the trustee and beneficiaries and because one of the beneficiaries, **RUTH JACOBSEN**, has raised issues with the trustee's administration and amounts Jacobsen wanted the trust to pay to her. Without approval of the Court, the trustee would be required to hold back substantial funds from distribution to cover potential litigation costs. By means of this petition, the trustee seeks timely determination of all matters presented in this account so that other beneficiaries may receive distributions without lengthy delay.

Account period: 1/17/14 – 12/28/15
Accounting: \$214,815.53
Beginning POH: \$209,809.65
Ending POH: \$172,502.20 (cash)

Preliminary distributions: Beneficiary Joyce A. Brenden received \$20,000.00.

Trustee: \$1,950.00 (for 78 hours @ \$25/hr for the care and custody of trust assets, sale of the real property, preparation of accounting, and other administration tasks, per itemization at Attachment D, not including hours and expenses to borrow funds to purchase.)

Trustee (Reimburse expenses): \$23,285.75 (per Schedule E, for last expenses, maintenance and preservation of residence, County Clerk, and \$15,471 paid to Attorney Lind)

Attorney Lind: \$18,812.50, less \$15,471.00 received, Balance: \$3,341.50 (for services including being available to Petitioner during the account period for legal services in connection with the trust administration, preparation of this petition, etc. See declaration filed 5/26/16.)

Reserve: \$2,000.00 (for tax prep, closing expenses)

SEE ADDITIONAL PAGES

Reviewed by: skc
Reviewed on: 6/14/16
Updates:
Recommendation:
File 24B- Biglione

Page 2

Petitioner states the only asset in the trust other than the accounts of \$7,809.05 was the residence shared by the decedent and Petitioner for 16 ears. During that 16 year period, Petitioner cared for the decedent, including, but not limited to: shopping for special nutrition and personal care items, transportation to medical appointments, hairdresser, shopping and other trips desired by Ms. Biglione, preparation of special meals (3 meals and 2 snacks per day – mother on special diet), administration of medication and eyedrops (mother was legally blind), help shower and dressing, laundry, taking her to church until she was unable to go because of incontinence, assistance with preparation for bed and snacks, and care of concentrator.

After the decedent's death, Petitioner continued living in the home. She handed Jacobsen a copy of the trust but Jacobsen would not take it because she said she wanted the will. Even though the other beneficiaries visited the home from time to time, Jacobsen did not offer to help or discuss with Petitioner the terms of the trust or administration. Petitioner requested help going through personal property, but Jacobsen said she was not interested in the assets. Jacobsen asked about the house on the day of the funeral, and Petitioner told her she was not prepared to move because their mother had just died. Petitioner states Jacobsen told her she had two years to decide.

Petitioner was grieving the loss of her mother. They had been very close and she had cared for her for the last 16 years. Petitioner also had health problems and was facing surgery. She was not aware that there were legal requirements and that she should contact her mother's attorney. She believed Jacobsen had given her two years to continue living in the house before making a decision.

Petitioner states she was blindsided when her attorney received a letter from Jacobsen's attorney threatening her with breach of fiduciary duty if she did not pay rent or purchase the house from her siblings. Petitioner and her sister Joyce attempted to obtain a loan to purchase their interest in the house. Jacobsen's attorney said there was no objection to Petitioner's continuing to reside there or paying rent to the other two siblings. A loan could not be obtained; therefore, Petitioner sold the house and put the proceeds in the trust. Petitioner retained Attorney Lind to assist her with her duties under the trust.

Proposed Distribution: \$173,266.45 cash distributable (POH: \$172,502.20, less \$2,000.00 reserve, plus \$8,000.00 rent receivable (\$4,000 each from Jo and Joyce), less amounts payable to Petitioner (\$23,285.75 and \$1,950.00), plus \$20,000.00 advance distribution to Joyce)

Josephine Kirk: \$64,552.36 (\$43,316.61 plus advances, trustee fees, less rent)

Ruth Jacobsen: \$43,316.61

Joyce A. Brenden: \$19,316.61 (\$43,316.61 less preliminary distribution, rent)

Christian M. Petersen: \$43,316.61

SEE ADDITIONAL PAGES

Petitioner respectfully requests an Order that:

1. All facts stated in the petition are true and that all notices required by law have been given;
2. This account and report be settled, allowed, and approved, and all acts and transactions of Petitioner set forth in it or relating to matters set forth in it be ratified, confirmed, and approved;
3. Petitioner and her attorney be allowed the requested compensation for their services;
4. Petitioner be authorized to withhold \$2,000 as reserve for closing expenses and accounting services;
5. Petitioner be authorized to distribute assets as set forth in Attachment F; and
6. Such other and further orders be made as the Court deems just and proper under the circumstances.

See also Declaration of Ruth Lind filed 5/26/16. Declaration details attorney fees requested and states the performance of legal services by the trustee's attorney were reasonably necessary to safeguard the welfare and best interests of the beneficiaries and the trust estate. Although Jacobsen had told Kirk the day of the funeral that she would have two years to decide what she wanted to do about the house, she denied it once her attorney was involved. This led to threats of removal from office and demands for money, which Jacobsen knew were impossible because Kirk had to advance funds to pay for funeral expenses and debts due. Jacobsen did not seem to understand that Kirk owed a fiduciary duty to all beneficiaries. Although Jacobsen was not the trustee, she kept demanding that Kirk pay her unreasonably large sums of money to avoid court action to charge her with break of fiduciary duties and remove her as trustee.

Objection filed 6/8/16 by Ruth Jacobsen states she objects to the accounting filed 5/11/16 on the grounds that Petitioner breached her fiduciary duties.

Examiner's Note: Objection appears to restate the allegations set forth in her Petition for Relief from Breach of Trust at Page A and does not appear to address this accounting specifically; therefore, it is not summarized here.

NEEDS/PROBLEMS/COMMENTS:

- 1. Debra Lee Scheidt, granddaughter, is named as second successor trustee and is therefore entitled to notice pursuant to Probate Code §17203. Need continuance for proper notice to Ms. Scheidt or waiver of notice.**
- 2. The accounting does not appear to be in compliance with Probate Code §1062 (schedules).**
- 3. Need clarification: Attorney Lind's declaration filed 5/26/16 and proposed order do not correspond to the attorney fees requested in the petition.**

Paragraph 7 on Page 4 of the petition requests \$18,812.50, less \$15,471.00 already paid (requested to be reimbursed to Petitioner as part of the \$23,285.75), resulting in a balance due of \$3,341.50.

However, the declaration indicates a total fee of \$18,887.50 (see Page 5) and payments totaling \$15,837.25 (see attached billing), which appears to result in a balance due to the attorney of \$3,050.25 plus a balance due to Petitioner of 366.25.

Also however, the proposed order indicates approval of \$18,937.50 and payments totaling \$15,521.00, resulting in a balance due to Attorney Lind of \$3,216.50 (stated in the order, although Examiner calculates \$3,416.50 with these figures, plus a balance due to Petitioner of \$50.00).

- 4. The proposed distribution to beneficiaries does not appear to take into account the balance requested to be paid to Attorney Lind (subject to clarification above). If granted, need revised proposed distribution and proper notice thereof to all beneficiaries.**

Petitioner James Calvin Bussey, Jr. (Pro Per, son)

**Petition for Letters of Administration; Authorization to Administer
Under the IAEA with Full Authority**

DOD: 9/18/2014		JAMES CALVIN BUSSEY, JR. , son, is Petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	Full IAEA — OK	<p>1. Need Confidential Supplement to Duties and Liabilities of Personal Representative form, pursuant to Local Rule 7.10.1 and Probate Code § 8404.</p> <p>2. Item 5(a)(2)(b) of the <i>Petition</i> states Decedent's spouse is deceased. Item 8 of the <i>Petition</i> does not include the name and date of death of deceased spouse pursuant to Local Rule 7.1.1(D).</p> <p>Note: If the <i>Petition</i> is granted, Court will set status hearings as follows:</p> <ul style="list-style-type: none"> Wednesday, November 16, 2016 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and Wednesday, August 16, 2017 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Decedent died intestate.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Residence — Fresno	
<input checked="" type="checkbox"/>	Aff.Mail	Publication — Business Journal	
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Estimated value of the Estate:	
<input checked="" type="checkbox"/>	Letters	Real property - \$12,533.00 (encumbered)	
<input checked="" type="checkbox"/>	Duties/Supp	Total - \$12,533.00	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	Probate Referee: Steven Diebert	
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petitioner: Frank Javier Rios (Pro per – Maternal grandfather)

Petitioner: Diana Rios (Pro per – Maternal grandmother)

Petition for Appointment of Temporary Guardian of the Person

		<u>GENERAL HEARING 8/3/2016</u>	NEEDS/PROBLEMS/COMMENTS:
		FRANK JAVIER RIOS and DIANA RIOS,	1. Need <i>Notice of Hearing</i> . 2. Item 9b of petition requests to be excused from having to give notice to Moises Padilla (father). Need proof of personal service of <i>Notice of Hearing</i> with copy of petition at least 5 court days before hearing <u>or</u> consents and waivers of notice or declarations of due diligence for: a. Moises Padilla (father) – <i>unless court dispenses with notice</i> b. Frankie Rios (mother)
		maternal grandparents, are petitioners	
Cont. from		See petition for details.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 6/14/2016
			Updates:
			Recommendation:
			File 26- Padilla

Attorney Kruthers, Heather H (for Public Guardian)

Ex Parte Petition for Authorization for the Conservator to Spend More Than Co-Payment for an Evaluation

		PUBLIC GUARDIAN , Conservator of the Person and Estate, is petitioner. <u>Please see petition for details</u>	NEEDS/PROBLEMS/COMMENTS: 1. Need Order.	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			x
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: LV				
Reviewed on: 06/14/2016				
Updates:				
Recommendation:				
File 27- De La Mora				